## APPENDIX A

Act of February 19, 1875, c. 90, 18 Stat. 330:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all leases of land within the Cattaraugus and Allegany reservations in the State of New York, heretofore made by or with the authority of the Seneca Nation of New York Indians, to railroad-corporations, are hereby ratified and confirmed; and said Seneca Nation may, in accordance with their laws and form of government, lease lands within said reservations for railroad-purposes.

SEC. 2. That the President of the United States shall appoint three commissioners, whose duty it shall be, as soon as may be, to survey, locate, and establish proper boundaries and limits of the villages of Vandalia, Carrolton, Great Valley, Salamanca, West Salamanca, and Red House, within said Allegany reservation, including therein, as far as practicable, all lands now occupied by white settlers and such other lands as, in their opinion, may be reasonably required for the purposes of such villages; and they shall cause a return of their doings in writing, together with maps of such surveys and locations duly certified by them, to be filed in the office of the county clerk of the county of Cattaraugus, in said State, there to be recorded and preserved. The boundaries of said villages so surveyed, located, and established shall be the limits of said villages for all the purposes of this act.

SEC. 3. That all leases of land situate within the limits of said villages when

established as hereinbefore provided, except those provided for in the second section of this act, in which Indians or said Seneca Nation, or persons claiming under them are lessors, shall be valid and binding upon the parties thereto, and upon said Seneca Nation for a period of five years from and after the passage of this act, except such as by their terms may expire at an earlier date; and at the end of said period, or at the expiration of such leases as terminate within that time, said nation through its councillors shall be entitled to the possession of the said lands, and shall have the power to lease the same: *Provided, however,* That at the expiration of said period, or the termination of said leases, as hereinbefore provided, said leases shall be renewable for periods not exceeding twelve years, and the persons who may be at such time the owner or owners of improvements erected upon such lands, shall be entitled to such renewed leases, and to continue in possession of such lands, on such conditions as may be agreed upon by him or them and such councillors; and in case they cannot agree upon the conditions of such leases, or the amount of annual rents to be paid, then the said councillors shall appoint one person, and the other party or parties shall choose one person, as referees to fix and determine the terms of said lease and the amount of annual rent to be paid; and if the two so appointed and chosen cannot agree, they shall choose a third person to act with them, the award of whom, or the major part of whom, shall be final and binding upon the parties; and the person or persons owning said improvements shall be entitled to a lease

of said land and to occupy and improve the same according to the terms of said award, he or they paying rent and otherwise complying with the said lease or said award; and whenever any lease shall expire after its renewal as aforesaid, it may, at the option of the lessee, his heirs or assigns, be renewed in the manner hereinbefore provided.

SEC. 4. That said Seneca Nation is hereby authorized, by resolution of its councillors, duly elected according to the laws and system of government of said nation, or in such other manner as said nation in council may determine, to lease lands within said villages to which, by the laws or customs of said nation, no individual Indian or Indians, or other person claiming under him or them, has or is entitled to the rightful possession.

SEC. 5. That it shall be the further duty of the said commissioners to cause all lands within such villages now leased, as hereinbefore mentioned, to be surveyed and defined as near as may be, and to cause the same to be designated upon the maps of such villages hereinbefore mentioned and provided for. All leases of lands within said villages, whether now existing or hereafter to be made under the provisions of this act, shall be recorded in the office of the clerk of said county of Cattaraugus in the same manner and with like effect as similar instruments relating to lands lying in said county outside of said reservations are recorded by the laws of said State of New York. All leases herein mentioned or provided for shall pass by assignment in writing, will, descent, or otherwise in the manner provided by the laws of said State:

*Provided, however,* That the rights of Indians in such leases shall descend as provided by the laws of said Seneca Nation.

SEC. 6. That all moneys arising from rents under the provisions of this act which shall belong to said Seneca Nation shall be paid to and recoverable by the treasurer of said Seneca Nation, and expended in the same manner and for the same purposes as are other revenues or moneys belonging to said Seneca Nation.

SEC. 7. That the courts of the State of New York within and for the county of Cattaraugus, having jurisdiction in real actions, and the circuit and district courts of the United States in and for the northern district of said State, shall have jurisdiction of all actions for the recovery of rents and for the recovery of possession of any real property within the limits of said villages, whether actions of debt, ejectment, or other forms of action, according to the practice in said courts; and actions of forcible entry and detainer, or of unlawful detainer arising in said villages, may be maintained in any of the courts of said county which have jurisdiction of such actions.

SEC. 8. That all laws of the State of New York now in force concerning the laying out, altering, discontinuing, and repairing highways and bridges shall be in force within said villages, and may, with the consent of said Seneca Nation in council, extend to, and be in force beyond, said villages in said reservations, or in either of them; and all municipal laws and regulations of said State may extend over and be in force within said villages: *Provided, nevertheless,* That nothing in this section shall be construed to authorize the taxation of any

Indian, or the property of any Indian not a citizen of the United States.

Act of September 30, 1890, c. 1132, 26 Stat. 558:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That whenever the leases of land situate within the limits of the villages mentioned in the act of Congress entitled "An act to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany Reservations, and to confirm existing leases," approved February nineteenth, eighteen hundred and seventy-five, except leases to railroads, shall by the terms of said act be renewable, the same shall be renewable for a term not exceeding ninety-nine years, instead of the term of twelve years, as therein provided, subject to all other terms and conditions of said act.

Act of February 28, 1901, c. 622, 31 Stat. 819:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all moneys which shall belong to the Seneca Nation of New York Indians arising from existing leases or leases that may hereafter be made of lands within the Cattaraugus, Allegany, and Oil Springs reservations, shall be paid to and be recoverable to the United States Indian agent for the New York Indian Agency for and in the name of the said Seneca Nation: *Provided,* That nothing herein contained shall be held to validate or confirm any lease that otherwise may be invalid.

SEC. 2. That from the moneys so received from said leases the said agent shall annually, on the first Wednesday after the

first Tuesday in June, pay over to the treasurer of the Seneca Nation the sum of two thousand five hundred dollars for the disposal by its council, and shall distribute the balance of said moneys, after deducting as hereinafter provided, among the heads of families of the Seneca Nation in like manner and under the same conditions that the annuities paid to the said nation by the United States are distributed.

SEC. 3. That the said agent shall give bond to the United States in such sum as may be approved by the Secretary of the Interior, and he shall make an annual report to the Commissioner of Indian Affairs of the receipt and disbursement of all moneys arising from said leases, and he shall receive annually, as additional compensation, the sum of two hundred and fifty dollars.

SEC. 4. That the treasurer of the Seneca Nation shall annually, on the last Tuesday in April, make a written report to the United States Indian agent of the New York Indian Agency of all moneys received and disbursed by him as treasurer of said Seneca Nation.

SEC. 5. That all Acts or parts of Acts inconsistent with this Act are hereby repealed.

Laws of New York, 1881, c. 188:

An Act extending the general laws of the State of New York over lands included in the villages surveyed, located and established on the Allegany Indian Reservation, by United States Commissioners appointed for that purpose, constituting the estate therein when held under lease from the Seneca Nation of Indians, a freehold estate; ratifying and confirming the acts

of town, village and school officers concerning such lands and the residents thereof.

Passed May 2, 1881; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. All those parts of the Allegany Indian Reservation included in the villages of Vandalia, Carrollton, Great Valley, Salamanca, West Salamanca and Red House, as surveyed, located and established by John Manley, Joseph Scattergood, and Henry Shanklin, commissioners appointed by the president of the United States for that purpose pursuant to an act of congress approved February nineteenth, eighteen hundred and seventy-five, are constituted parts of the several towns within which they are located, and all the general laws of this state are extended over and shall apply to the same. Provided always, that nothing in this section shall be construed to authorize the taxation of any Indian, or the property of any Indian not a citizen of the United States.

§ 2. All acts of commissioners of highways or other town officers of the towns in which said villages are located, concerning the lands or roads therein, all proceedings incorporating villages on said lands, or of the officers of such villages concerning the same, or under such acts of incorporation; all proceedings forming school districts within such villages, and all acts or proceedings of school officers in such districts heretofore done or performed which would have been legal if such villages or the land

included therein had not constituted a part of said reservation, are hereby ratified, legalized and confirmed.

§ 3. Land situate in said villages, held by or under lease from the Seneca Nation of Indians and which the holders are entitled to have renewed at the expiration thereof by virtue of said act of congress are and shall be for all purposes considered a freehold estate and the owners of such leases freeholders, and the right of dower and tenant by curtesy shall attach thereto, and shall upon the death of any person owning the same without having devised it, descend in the same manner as a freehold of inheritance and shall for that purpose be treated as real estate. Provided, however, that the rights of Indians in such leases shall descend as provided by the laws of said Seneca Nation.

## APPENDIX B

House Misc. Doc. No. 75, 43d Cong., 2d sess. (1875) reads as follows:

> On motion of Mr. Scudder:
>
> Whereas the legislature of the State of New York has, at different times, ratified and confirmed leases between Indian and white settlers on the Allegany Indian reservation in said State; and,
>
> Whereas the courts of this State have decided that said ratification is null and void, the Congress of the United States alone possessing power to deal with and for the Indians, and that as Judge Barker, of the supreme court of this State, in an elaborate opinion, given in a suit to test the legality of such ratification of leases, did say that State action alone cannot accomplish the results; that the State should, through its legislature and executive officers, take appropriate steps to secure the aid and cooperation of the United States to secure to the white settlers the ratification of their leases, and to protect them in their rights: Now, therefore,
>
> *Resolved* (*if the senate concur,*) That our Senators and Representatives in Congress are requested to lay the matter before Congress at an early day, and procure the passage of a law, or take some action for the relief of said white settlers.
>
> *Resolved* (*if the senate concur,*) That a copy of this resolution be furnished to each

of the members of the Senate and Congress from this State.

By order: HIRAM CALKINS, *Clerk.*

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IN SENATE, *February 2, 1875.*

Concurred in without amendment.

By order:

H. A. GLIDDEN, *Clerk.*

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